

REMARKS

In accordance with the foregoing, claims 1-11 have been amended. No new matter has been added. Claims 1-11 are pending and under consideration.

ADVISORY ACTION

Applicants acknowledge with appreciation the thorough analysis provided by the Examiner in the Advisory Action mailed on June 26, 2006.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In the outstanding Office Action, page 2, item 3, the phrase "outputting dialogue content" is indicated as being indefinite. Applicants amended the claim language to clearly point out the subject matter to overcome this rejection. For example, amended claim 1 now recites "outputting the dialogue content ~~that was stored~~ at the destination addresses corresponding to the dialogue scenario." Support for this amendment is found in, for example, page 20, lines 6-13 of the specification of the present application.

Further, in order to make clear that the claims are not means-plus-function type claims (i.e., not subject to 35 U.S.C. §112 ¶(6)), Applicants replaced "means" with "unit" in claims 2-11. In response to the concern reiterated by the Examiner in the Advisory Action relative to "a scenario storage unit assigning", Applicants respectfully direct attention to the disclosure on page 21, lines 5-19. However, in order to address the concern, Applicants have amended the claim language to recite "storing and assigning correspondences [...]." Relative to the difference between the dialogue scenario storage unit and the scenario storage unit recited in claim 2, the dialogue scenario storage unit stored dialogue scenarios, while the scenario storage unit assigns and stores correspondences between the dialogue scenarios and destination addresses.

In view of the amended claims, Applicants believe that all pending claims are definite and no further rejection under 35 U.S.C. §112 is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

On page 3, items 5-11, of the Office Action, claims 1-6 and 9-11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,766,319 to Might (hereinafter "Might"). These rejections are respectfully traversed.

Might is directed to a method and apparatus for gathering and evaluating qualitative inputs or feedback, including perceptions and opinions, (i.e., information) from employees and customers. It is clear that in Might there is only one server that receives all the information and summarizes identifying trends and problems based on the gathered information.

Claim 1 specifically recites, amongst other novel features, "**assigning correspondences between the dialogue scenarios and destination addresses**". (Emphasis Added). Claim 1 can be understood, for example, by referring to FIG. 2, and page 21, lines 5-19 of the specification of this present application. Independent claims 9 and 10 recite somewhat similar features.

In our Response filed on November 22, 2005, we argued the following:

- (a) Might does not disclose end computers capable of transferring information to more than one server.
- (b) Might fails to disclose anything comparable to the feature of "assigning correspondences between the dialogue scenarios and destination addresses".

In items 17 - 19 on pages 6-8 of the final Office Action, in the "Response to Arguments" section, the Examiner responds to our arguments with the following arguments:

- (a) The Examiner argues that "multiple servers" are not recited in the claims and only "a" destination address is specified.
- (b) The Examiner responded to Applicants request of proof of inherency.
- (c) The Examiner put forth a reason to combine the prior art references.

In response to arguments rebuttal in the final Office Action, Applicants amended claims 1, 2, 9, and 10 to more clearly recite "destination addresses". In the Advisory Action, the Examiner argued that "Might teaches the communication via the Internet which inherently transfers information between multiple servers." Regarding the inherency concept, the Courts have stated

that “the fact that a characteristic is a necessary result of the operation of a prior art device is enough for inherent anticipation, ‘even if that fact was unknown at the time of the prior invention.’”¹ Thus, the capability of Internet to interconnect multiple servers is not in itself teaching or suggesting that the information to be transferred to multiple servers (dialogue addresses). In other words, in Might the system transfers information between many end stations (employees and customers) to one server, while according to claims 1, 2, 9, and 10, the content of each dialogue with a customer (one of the customers) is transmitted to multiple destination addresses (e.g., manufacturer terminals 2a-2c in FIGS. 1, 14, and 16 of the present patent application).

According to amended claim 1, the content from a dialogue scenario is transmitted to a plurality of destination addresses. As Might does not disclose anything comparable to this feature, Might does not anticipate claim 1. Claims 2, 9 and 10 also recite “transmitting the dialogue content to the destination addresses corresponding to the dialogue scenario” that is a feature undisclosed by Might, which feature renders the claims patentable. Claims 3-6 and 11 are not anticipated by Might at least because Might does not anticipated their respective base claim.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as unpatentable over Might in view of U.S. Published Application No. 2001/0032115 (“Goldstein”). This rejection is respectfully traversed. Goldstein does not teach or suggest the above-identified deficiency of Might related to transmitting the content from a dialogue scenario to a plurality of destination addresses. Therefore, claims 7 and 8 are patentable over Might in view of Goldstein, viewed individually or in combination.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

¹ Toro Co. v. Deere & Co., 355 F.3d 1313 C.A.Fed. (Minn.) 2004.

Serial No. 09/961,181

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: July 10, 2006

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